



PATENT
Attorney Docket No. 05725.1427-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Xavier BLIN et al.) Group Art Unit: 1616
)
Application No.: 10/529,318) Examiner: PAK, John D.
)
Filed: March 25, 2005)
)
For: COSMETIC COMPOSITION) Confirmation No.: 6674
COMPRISING A SEQUENCED)
POLYMER AND A PLASTICIZER)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the listed documents on the attached PTO SB/08 Form. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination in the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patents, published applications, co-pending applications, and their respective office actions are not enclosed, as they are available on the Image File Wrapper of PAIR.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality

standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. See *also* M.P.E.P.

§ 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

With respect to the non-English language documents, Applicant submits the following remarks:

1. **DE 2 330 956**: This document is believed to be related to U.S. Patent Nos. 3,946,749 and 3,990,459, cited on the attached IDS Form PTO/SB/08.
2. **EP 0 637 600**: This document is believed to be related to U.S. Patent Application Publication No. 2003/0191271 and U.S. Patent Nos. 6,770,271 and 6,106,813, cited on the attached IDS Form PTO/SB/08.
3. **EP 0 656 021**: This document is believed to be related to U.S. Patent No. 6,372,876, cited on the attached IDS Form PTO/SB/08.
4. **EP 0 751 162**: This document is believed to be related to U.S. Patent Nos. 6,166,093 and 6,319,959, cited on the attached IDS Form PTO/SB/08.
5. **EP 1 366 746**: This document is believed to be related to U.S. Patent No. 7,176,170, cited on the attached IDS Form PTO/SB/08.
6. **EP 1 518 535**: An English Language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08 and is submitted herewith.

This document is also believed to be related to U.S. Patent Application Publication No. 2005/0106197, cited on the attached IDS Form SB/08.

7. **EP 1 604 634:** This document is believed to be related to U.S. Patent Application Publication No. 2005/0287103, cited on the attached IDS Form SB/08.
8. **FR 1 222 944:** An English Language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08 and is submitted herewith.
This document is also believed to be related to Great Britain Patent No. 0 922 457, cited on the attached IDS Form PTO/SB/08 and submitted herewith.
9. **FR 1 400 366:** This document is believed to be related to Great Britain Patent No. 1 021 400, cited on the attached IDS Form PTO/SB/08 and submitted herewith.
10. **FR 1 564 110:** An English Language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08 and is submitted herewith.
This document is also believed to be related to Great Britain Patent No. 1 169 862, cited on the attached IDS Form PTO/SB/08 and submitted herewith.
11. **FR 1 580 545:** This document is believed to be related to U.S. Patent Nos. 3,716,633, 3,925,542, and 4,129,711, cited on the attached IDS Form PTO/SB/08.
12. **FR 2 265 781:** This document is believed to be related to U.S. Patent Nos. 3,966,403 and 4,076,912, cited on the attached IDS Form PTO/SB/08.

13. **FR 2 265 782:** This document is believed to be related to U.S. Patent Nos. 3,966,404 and 4,070,533, cited on the attached IDS Form PTO/SB/08.
14. **FR 2 350 384:** This document is believed to be related to U.S. Patent No. 4,137,208, cited on the attached IDS Form PTO/SB/08.
15. **FR 2 357 241:** An English Language Derwent abstract of this document is cited on the attached IDS Form PTO/SB/08 and is submitted herewith.
16. **FR 2 439 798:** This document is believed to be related to U.S. Patent No. 4,282,203, cited on the attached IDS Form PTO/SB/08.
17. **FR 2 743 297:** This document is believed to be related to U.S. Patent No. 6,395,265 and U.S. Patent Application Publication No. 2002/0150546, cited on the attached IDS Form PTO/SB/08.
18. **FR 2 811 993:** This document is believed to be related to U.S. Patent Application Publication Nos. 2003/0124079 and 2004/0141943, cited on the attached Form PTO/SB/08.
19. **FR 2 880 268:** An English Language Derwent Abstract of this document is listed on the attached IDS Form PTO/SB/08 and is submitted herewith.
20. **JP 2000-83728:** This document is believed to be related to EP 1 018 311, cited on the attached IDS Form SB/08 and submitted herewith.
21. **JP 2003-40336:** An English language abstract of this document is listed on the attached IDS Form PTO/SB/08 and is submitted herewith.
22. **JP 2006-151867:** An abstract of the disclosure of this document can be found in the English language Derwent Abstract listed on the attached IDS Form PTO/SB/08 and submitted herewith.

23. **LU 75370:** This document is believed to be related to Great Britain Patent No. 1 572 626, cited on the attached IDS Form PTO/SB/08.
24. **LU 75371:** This document is believed to be related to U.S. Patent No. 4,289,752, cited on the attached IDS Form PTO/SB/08.
25. **WO 03/46033:** This document is believed to be related to U.S. Patent Application Publication No. 2005/0020779, cited on the Information Disclosure Statement submitted July 19, 2006.
26. **WO 94/03510:** An English language abstract of the disclosure of this document can be found on the front of this document.
27. **French Search Report for FR 04/03088:** This is the Search Report for French Patent Application No. 0403088, which is the French priority application for co-pending U.S. Application No. 11/089,172 (Attorney Docket No. 06028.0096-00).
28. **French Search Report for FR 06/53144:** This is the Search Report for French Patent Application No. 0653144, which is the French priority application for co-pending U.S. Application No. 11/878,849 (Attorney Docket No. 05725.1651-00).
29. **French Search Report for FR 06/53154:** This is the Search Report for French Patent Application No. 0653154, which is the French priority application for co-pending U.S. Application No. 11/878,067 (Attorney Docket No. 133312).

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited document(s) do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 13, 2010

By: _____



Adam M. Breier, Ph.D.
Reg. No. 63,718
(202) 408-4000